

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION
CASE NO. 2005-00235**

RECEIVED

In the Matter of:

APPLICATION OF MALLARD POINT
DISPOSAL SYSTEMS, INC. FOR AN
ADJUSTMENT OF RATES PURSUANT TO THE
ALTERNATIVE RATE FILING PROCEDURE
FOR SMALL UTILITIES

NOV. 16 2005

PUBLIC SERVICE
COMMISSION

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MOTION TO STRIKE

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Comes now the Applicant Mallard Point Disposal Systems, Inc. ("Mallard Point"), and moves to strike the Written Comments by the Petitioner, Robert A. Patrick, to the Comments of the Applicant Mallard Point Disposal Systems, Inc. filed herein upon the following grounds:

1. Robert A. Patrick ("Patrick") sought full intervention herein, *see* Patrick's Motion to Intervene dated July 13, 2005, which Mallard Point opposed. *See* Mallard Point's Objection to Motions for Full Intervention by Lesley Floccare, David & Lorie Wise, Gregory & Karen Brown, Brian & Leslie Stumbo, James & Carol Price, Steve & Tabatha McEldred, Robert A. Patrick, Jim & Rebecca Nelson, Charles F. Knapp, Jeffery R. Hurst, John & Sharlyn Golding, Eric Freeman, James & Joan Delmoro, Jerry Bratfish, David G. Absher, Catherine A. White, Marvin Baker, and Don McNamee dated July 22, 2005.

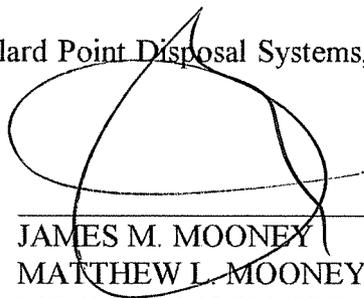
2. Patrick was subsequently denied full intervention herein, but instead was granted limited intervention, *see* Public Service Commission Order dated September 2, 2005, meaning that he would not be entitled to receive service of "filed testimony, exhibits, pleadings, correspondence and all other documents submitted by parties," or "any petition for rehearing or petition for judicial review," but would be entitled to the full rights of a party at the hearing in which he appears," and to receive service of the commission's order. 807 KAR 5:001(3)(8)(a).

3. Patrick moved the Commission to reconsider its September 2, 2005 Order, *see* Patrick's Petition for Rehearing or Reconsideration dated September 20, 2005, which was subsequently denied. *See* Public Service Commission Order dated October 11, 2005.

4. Patrick has now filed written comments to Mallard Point's comments on the Public Service Commission Staff Report filed herein. *See* Written Comments by the Petitioner, Robert A. Patrick, to the Comments of the Applicant Mallard Point Disposal Systems, Inc. dated November 7, 2005.

5. Patrick, as a limited intervenor herein, has no right "to issue data requests or otherwise engage in discovery, attend informal conferences, request a hearing, or file a motion or brief," Louisville Gas & Electric Co., Case No. 2004-00304 (Sept. 17, 2004) at p. 2, and his written comments should be disregarded. However, he is entitled to the full rights of a party at the hearing, if any, and any comment he may wish to make regarding the Staff Report or Mallard Point's comment thereto should be properly made at that time.

WHEREFORE, the Applicant Mallard Point Disposal Systems, Inc. moves the Order of the Commission.



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ATTORNEYS FOR MALLARD POINT
DISPOSAL SYSTEMS, INC.

CERTIFICATE OF SERVICE

I hereby certify that the original and eight (8) copies hereof was mailed, postage prepaid, to the following:

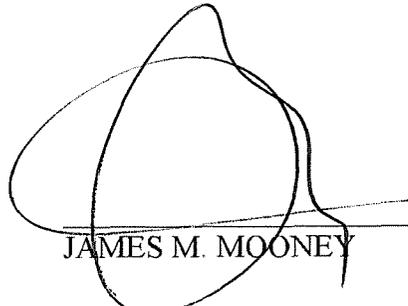
Kentucky Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, Kentucky 40602-0615

and that a copy of the foregoing was mailed, postage prepaid, to the following:

Robert A. Patrick
144 Greenwing Ct.
Georgetown, Kentucky 40324

Honorable David Edward Spenard
Office of the Attorney General
1024 Capital Center Drive, #200
Frankfort, KY 40601-8204

on this the 15th day of November, 2005.



JAMES M. MOONEY

ATTORNEY FOR MALLARD POINT
DISPOSAL SYSTEMS, INC.